

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID WAYNE MCDANIEL,

Petitioner,

vs.

No. 18-cv-1058 KG/KBM

MARK GALLEGOS,

Respondent.

ORDER TO SHOW CAUSE

This matter is before the Court in connection with petitioner's 28 U.S.C. § 2254 habeas corpus action (Doc. 1). The Court has made multiple attempts to mail documents to Petitioner, including an Order to Show Cause (Doc. 3) addressing his apparent failure to exhaust state remedies. Each mailing was returned as undeliverable with a notation "Released." *See* Docs. 4-6. The Court located a new address for Petitioner and resent Order to Show Cause, but that mailing was also returned as undeliverable. *See* Docs. 7, 8. It appears Petitioner has been released from custody without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6. The Court will therefore require Petitioner to notify the Clerk of his new address or show cause why this action should not be dismissed. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) ("It is incumbent on litigants, even those proceeding *pro se*, to follow the federal rules of procedure The same is true of simple, nonburdensome local rules....") (citations omitted). Failure to timely comply will result in dismissal of this action without further notice.

IT IS ORDERED that within thirty (30) days of entry of this Order, Petitioner shall notify the Clerk in writing of his current address or show cause why this action should not be dismissed.



UNITED STATES MAGISTRATE JUDGE